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Filed : **November 26, 2003**

REMARKS

The December 14, 2005 Office Action was based on pending Claims 1–53. By this Response, Applicant is amending Claims 1–3, 7, 9, 11–13, 15, 19–21, 34, 35, 37, 45, 46, 48 and 53 and is cancelling Claims 8, 14, 18, 30, 31, 41 and 51 without prejudice or disclaimer. Claims 4–6, 10, 16, 17, 22–29, 32, 33, 36, 38–40, 42–44, 47, 49, 50 and 52 remain as originally filed, and new Claim 54 has been added.

Thus, after entry of the foregoing amendments, Claims 1–7, 9–13, 15–17, 19–29, 32–40, 42–50 and 52–54 are pending and presented for further consideration. In view of the foregoing amendments, the attached Terminal Disclaimer and the remarks set forth below, Applicant submits that Claims 1–7, 9–13, 15–17, 19–29, 32–40, 42–50 and 52–54 are in condition for allowance.

SUMMARY OF OBJECTIONS AND REJECTIONS

The December 14, 2005 Office Action objected to Claims 3, 9, 13, 18, 19, 23, 31 and 32 as being dependent upon a rejected base claim.

The Office Action rejected Claims 2, 12, 35 and 45 under 35 U.S.C. § 112, second paragraph, as being indefinite.

The Office Action also rejected Claims 21, 30, 33, 34, 41, 42, 45, 51 and 53 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,222,225 to Groves ("Groves").

Claims 1, 7, 8, 11, 17, 20, 24, 25, 36, 37 and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves in view of U.S. Patent No. 4,920,483 to Pogue ("Pogue"). Claims 2, 12, 22, 35, 43, 44 and 46–48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves in view of Pogue and in further view of U.S. Patent No. 5,060,143 to Lee ("Lee").

Claims 4–6, 14–16, 28, 29, 39, 40, 49 and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves in view of Pogue, and in further view of U.S. Patent No. 5,900,012 to Tran ("Tran"). Furthermore, Claims 10, 26 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves in view of Pogue, and in further view of U.S. Patent No. 5,404,473 to Papworth et al. ("Papworth").

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Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Groves in view of Papworth.

The Office Action also provisionally rejected Claims 1, 4–7, 10, 11, 14–16, 21, 24, 26, 28, 29, 34, 36, 38–40, 45, 49, 50 and 52 under the non-statutory obviousness-type double patenting doctrine as being unpatentable over Claims 1, 4, 9, 10, 12, 13, 15, 20, 21, 24, 30, 31, 33, 34, 41–43, 46 and 49 of copending U.S. Patent Application No. 10/724,472 ("the '472 application").

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Submitted concurrently herewith is a Supplemental Information Disclosure Statement citing eleven (11) references, some of which were cited during the prosecution of co-pending related U.S. patent applications. While Applicant does not believe that these references will affect the patentability of the pending claims, Applicant respectfully requests the Examiner to consider the pending claims in connection with these references in order to make them of record.

ALLOWABLE SUBJECT MATTER

Applicant thanks the Examiner for the indication of allowable subject matter in several of the pending claims. In particular, the Office Action objected to Claims 3, 9, 13, 18, 19, 23, 31 and 32 as being dependent upon a rejected base claim but indicated that such claims would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims.

In view of the foregoing, Applicant has added new Claim 54, which includes the limitations similar to those of original independent Claim 21 and dependent Claim 23. Furthermore, as discussed in more detail below, limitations similar to those recited in a few of the above-identified dependent claims (i.e., Claims 9, 18, 31) have been incorporated into several of the independent claims. Dependent Claims 3, 13, 19, 23 and 32 generally remain as originally filed. Applicant, therefore, respectfully submits that the amended independent claims and their related dependent claims are in condition for allowance.

CLAIM REJECTIONS FOR OBVIOUSNESS-TYPE DOUBLE PATENTING

The Office Action provisionally rejected Claims 1, 4–7, 10, 11, 15, 16, 21, 24, 26, 28, 29, 34, 36, 38–40, 45, 49, 50 and 52 under the non-statutory double patenting doctrine as being unpatentable over Claims 1, 4, 9, 10, 12, 13, 15, 20, 21, 24, 30, 31, 33, 34, 41–43, 46 and 49 of the '472 application. In response to the Office Action, Applicant submits herewith a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c). Therefore, Applicant respectfully requests that the obviousness-type double patenting rejection be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Office Action rejected Claims 2, 12, 35 and 45 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 2, 12 and 35

Claims 2, 12 and 35 were rejected as being unclear as to if the recited “entire cache line” is “one of the cache lines of the data cache in the claims, or from another data source.” By the foregoing amendments, Applicant has clarified Claims 2, 12 and 35 to indicate that the “entire cache line” is one of the cache lines in the recited data cache. Applicant, therefore, respectfully requests that the rejection of Claims 2, 12 and 35 under 35 U.S.C. § 112 be withdrawn.

Claim 45

Claim 45 was rejected as being unclear as to which “cache line in the ‘plurality of cache lines’ is referred by ‘the cache line.’” By the foregoing amendment, Applicant has clarified Claim 45 to indicate that “a selected cache line” is from the plurality of cache lines of the data cache means. Applicant, therefore, respectfully requests that the rejection of Claim 45 under 35 U.S.C. § 112 be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

The Office Action rejected Claims 21, 33, 34, 42, 45 and 53 as being unpatentable over Groves. In view of the foregoing amendments and for at least the

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reasons set forth below, Applicant respectfully disagrees and requests reconsideration of Claims 21 and 42.

Independent Claim 21

Independent Claim 21 has been amended to include the subject matter of cancelled dependent Claim 31, which included the limitations of cancelled dependent Claim 30 and was found by the Examiner to contain allowable subject matter. Applicant, therefore, respectfully submits that Groves does not disclose the method recited in amended Claim 21. Applicant respectfully requests the rejection of Claim 21 to be withdrawn and submits that amended Claim 21 is in condition for allowance.

Independent Claims 34 and 45

Independent Claims 34 and 45 are believed to be patentably distinguished over the cited art for reasons similar to those set forth with respect to the patentability of independent Claim 21 and for the different aspects recited therein.

Dependent Claims 33, 42 and 53

Claim 33 depends from independent Claim 21 and is believed to be patentably distinguished over the cited art for the reasons set forth above with respect to Claim 21 and for the additional features recited therein.

Claim 42 depends from independent Claim 34 and is believed to be patentably distinguished over the cited art for the reasons set forth above with respect to Claim 34 and for the additional features recited therein.

Claim 53 depends from independent Claim 45 and is believed to be patentably distinguished over the cited art for the reasons set forth above with respect to Claim 45 and for the additional features recited therein.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1, 7, 11, 17, 20, 24, 25, 36, 37 and 52 were rejected as being unpatentable over Groves in view Pogue. Claims 2, 12, 22, 35, 43, 44 and 46–48 were rejected as being unpatentable over Groves in view of Pogue and in further view of Lee. In addition, Claims 4–6, 15, 16, 28, 29, 39, 40, 49 and 50 were rejected as being unpatentable over Groves in view of Pogue, and in further view of Tran. Claims 10, 26

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and 38 were rejected as being unpatentable over Groves in view of Pogue, and in further view of Papworth. Claim 27 was rejected as being unpatentable over Groves in view of Papworth.

In view of the foregoing amendments and for at least the reasons set forth below, Applicant respectfully disagrees and requests reconsideration of the aforementioned claims.

Independent Claim 1

Independent Claim 1 has been amended to include some of the subject matter of original dependent Claim 9, which includes the subject matter of cancelled Claim 8 and which was found by the Examiner to contain allowable subject matter. Applicant, therefore, respectfully submits that neither Groves nor Pogue, nor a combination thereof, teaches or suggests the method recited in amended Claim 1. Applicant respectfully requests the rejection of Claim 1 to be withdrawn and submits that amended Claim 1 is in condition for allowance.

Independent Claim 11

Independent Claim 11 has been amended to include some of the subject matter of cancelled dependent Claim 18, which includes the subject matter of cancelled Claim 14 and which was found by the Examiner to contain allowable subject matter. Applicant, therefore, respectfully submits that neither Groves nor Pogue, nor a combination thereof, teaches or suggests the processor recited in amended Claim 11. Applicant respectfully requests the rejection of Claim 11 to be withdrawn and submits that amended Claim 11 is in condition for allowance.

Dependent Claims

Claims 2, 4–7 and 10 depend from independent Claim 1 and are believed to be patentably distinguished over the cited art for the reasons set forth above with respect to Claim 1 and for the additional features recited therein.

Claims 12, 15–17 and 20 depend from independent Claim 11 and are believed to be patentably distinguished over the cited art for the reasons set forth above with respect to Claim 11 and for the additional features recited therein.

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Claims 22 and 24–29 depend from independent Claim 21 and are believed to be patentably distinguished over the cited art for the reasons set forth above with respect to Claim 21 and for the additional features recited therein.

Claims 36–40, 43 and 44 depend from independent Claim 34 and are believed to be patentably distinguished over the cited art for the reasons set forth above with respect to Claim 34 and for the additional features recited therein.

Claims 46–50 and 52 depend from independent Claim 45 and are believed to be patentably distinguished over the cited art for the reasons set forth above with respect to Claim 45 and for the additional features recited therein.

REQUEST FOR TELEPHONE INTERVIEW

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at the general office number listed below.

CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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